

STATE OF MINNESOTA

DISTRICT COURT

Consolidated File No. 70-CV-09-19459

In re: Source Code Evidentiary Hearings in
Implied Consent Matters

Consolidated File No. 70-CR-09-19749

In re: Source Code Evidentiary Hearings in
Criminal Matters

**ORDER 2 - ORDER
SETTING AGENDA FOR
HEARING**

AGENDA FOR HEARING March 23, 2010, at 2:00 p.m. in Courtroom 7C at the
Warren E. Burger Federal Building & U.S. District Courthouse, 316 North Robert
Street, St. Paul, Minnesota.

*****THIS HEARING IS PRINCIPALLY FOR ATTORNEYS. WITNESSES AND PARTIES
ARE NOT REQUIRED TO ATTEND.*****

1). General Procedures to be followed in all Cases

A. Criminal Cases

B. Implied Consent Cases

2). Status of Retained Experts

A. Identity of All Experts: Defendant, Petitioner, State

4). Timing of Disclosures

A. Obtaining/Evaluating Source Code

B. Discovery

i. Additional Fact Disclosure

a. Document production

b. Depositions (incl. CMI?)

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c. Non-Party Documents and/or witnesses

C. Expert Opinion Disclosures/Reports

5). Proposed Schedule:

July 1, 2010	Petitioner's/Defendant's Expert Disclosures
July 1, 2010	Non Expert Discovery Ends
July 1, 2010	Final Date for Adding Cases to Consolidation
August 13, 2010	State/Prosecution Expert Disclosures
August 16, 2010	Expert Discovery/Depositions (if any) begins
September 7, 2010	All Non Source Code Issues Completed in Consolidated Cases
September 20, 2010	Expert Discovery Ends
September 27, 2010	Final Hearing on Source Code

6). Motion Practice

A. Expert Qualifications

B. Foundation

7). Evidentiary Hearing

A. Need for Multiple Hearings in Civil and Criminal Cases

B. To Be Conducted Pursuant to Minn. R. Evid., Rule 104

C. Scheduling

D. Physical Requirements of Hearing Facility

i. Expected Attendance

ii. Courtroom Technology

iii. Confidentiality Issue

iv. Length of Hearing

E. Form of Order Which Results from Hearing

8). Co-Ordination of Counsel and Evidence

A. Identification of Liaison Counsel

B. Identification of Potential Lead Counsel

C. Means for Service of Process

D. Central Access to Disclosures/Documents

E. Adoptions of Position(s)/Opt Out

F. Coordination of Briefs

G. Central File/Filing of Papers and Orders

H. Current List of Consolidated Cases

I. Newly Identified/Assigned Cases

J. Written Notice of Consent to Assignment Requirement

Counsel attending this Hearing are expected to be able to enter into agreements and stipulations on behalf of their clients. Items which Counsel wish to discuss at the Hearing which are not included in the above, should be addressed in writing to Dan Sagstetter by e-mail at the following:

Daniel.Sagstetter@courts.state.mn.us

not later than 4:30 p.m. March 17, 2010.

Dated: 2-23-10

BY THE COURT:

A handwritten signature in black ink, appearing to read 'J. B. Abrams', written over a horizontal line.

Jerome B. Abrams
Judge of District Court